

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE

DAVID JONES, individually and on behalf of  
all others similarly situated,

Plaintiff,

v.

A1 DIABETES & MEDICAL SUPPLY, INC.,  
a Tennessee corporation,

Defendant.

Case No. 2:20-cv-02248-SHL-cgc

**CLASS ACTION**

**JURY DEMAND**

**PLAINTIFF’S UNOPPOSED MOTION TO EXTEND DEADLINE TO RESPOND TO  
DEFENDANT’S MOTION TO DISMISS AND/OR STRIKE**

Pursuant to Fed. R. Civ. P. 6(b)(1)(A), Plaintiff David Jones (“Plaintiff” or “Jones”) hereby submits this Unopposed Motion to Extend Deadline to Respond to Plaintiff’s Class Action Complaint. Plaintiff respectfully moves the Court for a twenty-one (21) day extension, until **July 1, 2020**, to respond to Defendant A1 Diabetes & Medical Supply, Inc.’s (“Defendant” or “A1”) Motion to Dismiss and/or Strike Class Allegations and Claims with Prejudice (“Motion to Dismiss”) (dkt. 17). In support of his motion, Plaintiff states as follows:

1. Plaintiff commenced this action by filing a Class Action Complaint (“Complaint”) with this Court on March 31, 2020. (Dkt. 1.) After the Court granted Defendant’s unopposed request for an extension of time to respond, and after the Court granted leave to Defendant to file excess pages, A1 filed its Motion to Dismiss on May 27, 2020. (Dkt. 17.) Pursuant to Local Rule 7.2(a)(2), Plaintiff’s current deadline to respond to the Motion to Dismiss is June 10, 2020.

2. In light of the previously-granted motion to permit Defendant to file excess pages in support of its Motion to Dismiss, A1’s Motion contains a number of legal arguments

that will require careful consideration and analysis by Plaintiff in response. As a result of the length and complexity of Defendants' Motion to Dismiss, counsel for Plaintiff anticipates the need for additional time to evaluate and thoroughly brief responsive arguments. Therefore, Plaintiff respectfully moves the Court for a twenty-one (21) day extension, up to and including **July 1, 2020**, to respond to Defendant's Motion to Dismiss.

3. Good cause exists for this request, and the brief extension of time requested will not cause prejudice to either Party or the Court. Further, this extension is not sought for dilatory reasons or any other improper purpose, and Plaintiff has not previously sought an extension to the same effect.

4. Plaintiff's counsel has conferred with counsel for Defendant who have consented to the requested twenty-one (21) day extension.

WHEREFORE, Plaintiff David Jones respectfully requests that the Court enter an order granting the requested extension of time for Plaintiff to respond to Defendants' Motion to Dismiss up to and including July 1, 2020, and for any other relief the Court deems necessary and just.

Respectfully Submitted,

**DAVID JONES**, individually and on behalf of class of similarly situated individuals

Dated: May 27, 2020

By: /s/ Patrick H. Peluso  
One of Plaintiff's Attorneys

Bradley G. Kirk  
BRADLEY G. KIRK  
1910 Madison Avenue, Suite #112  
Memphis, TN 38104  
901-206-6163  
Email: bgkirklaw@gmail.com

Patrick Peluso\*  
Woodrow & Peluso, LLC  
3900 E. Mexico Avenue, Suite 300  
Denver, CO 80210  
Phone: (720) 213-0675  
ppeluso@woodrowpeluso.com

\*Admitted *Pro Hac Vice*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the above titled document was served upon counsel of record by filing such papers via the Court's ECF system on May 27, 2020.

/s/ Patrick H. Peluso